

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MARK ANTHONY BURK,  
Plaintiff,

v.

RAFAEL PRESTAMO, CHARLES  
SURFACE, RP MANAGEMENT  
CORP., et al.,

Defendants.

Civil No. 14-1807 (DRD)

**JUDGMENT**

Pursuant to the Court's *Opinion and Order* of the same date (Docket No. 196), the Court hereby enters a final judgment **DISMISSING WITH PREJUDICE:**

1. Plaintiff Mark Anthony Burks 1983 claims against the Commonwealth of Puerto Rico and all individual persons therefore; against the Municipality of Bayamón and the personal individuals in their personal capacity independent personas of the Municipality; RP Management Corp., Rafael Prestamo and Charles Surface,<sup>1</sup>
2. Plaintiffs' Section 1983 claims against the Commonwealth of Puerto Rico and all individual Defendants in their official capacity for monetary damages; and
3. All Fourteenth Amendment claims against Defendants in their official and personal capacities.

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<sup>1</sup> There is no individual employee liability under Title VII and other federal discrimination law. Fantini v. Salen State Coll., 557 F.3d 22, (1st Cir. 2009). Further, the Supreme Court has established the boundaries of Bivens-type liability is narrow. See Gonzalez v. Velez, 864 F.3d 45, 52-53 (1st Cir. 2017)(*citing Hernandez v. Mesa*, 137 S.Ct. 2003 (2017)) for proposition that the Supreme Court has "made plain its reluctance to extend the Bivens doctrine to new settings" all relating to a discrimination case seen under the coverage of a federal employer.

Further, **DISMISSING WITHOUT PREJUDICE:**

1. Plaintiffs' claims of violations under Sections 1, 8 and 16 of Article II of the Constitution of the Commonwealth of Puerto Rico; and
2. Plaintiff's claims wherein he seeks redress under article 1802 of the Puerto Rico Civil Code and/or claims against the Defendants based on discrimination claims against Defendants in their personal capacity.

**THIS CASE IS NOW CLOSED FOR ALL ADMINISTRATIVE AND STATISTICAL PURPOSES.**

**IT IS SO ORDERED, ADJUDGED AND DECREED.**

In San Juan, Puerto Rico this 2nd day of January, 2018.

*/s/ Daniel R. Dominguez*  
Senior U.S. District Judge